

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROY TAYLOR,

Plaintiff,

-against-

NYC et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/6/2023

20-cv-5036 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On August 24, 2023, this Court entered an Order granting Plaintiff's request to amend the complaint and directing that any amended pleading be filed on or before October 25, 2023. [ECF No. 79.] The Court warned, in bold-faced text, that **"failure to comply with this Order and timely file an amended pleading may result in dismissal with prejudice for failure to prosecute."** [ECF No. 79.]

On September 18, 2023, Plaintiff filed a motion titled "Motion to Voluntarily Dismiss COVID Claim in Action & Leave to Amend." [ECF No. 81.] Plaintiff explained that he "move [sic] to voluntarily dismiss the COVID claim raised in this action & to motion [sic] for leave to amend." [ECF No. 81.] Defendant responded to Plaintiff's letter, indicating its belief that Plaintiff's voluntary dismissal of "the COVID claim" resulted in a dismissal of this entire action. [ECF No. 82.]

Given the lack of clarity regarding what claims Plaintiff still intends to pursue, Plaintiff is HEREBY DIRECTED to file his amended complaint on or before November 1, 2023. The amended complaint **must clarify what claims Plaintiff intends to pursue in this action. There will be no further opportunities for Plaintiff to amend.** Failure to file an amended pleading by November 1, 2023 will be considered **a waiver of the opportunity to amend.** Moreover, in the

light of the history and age of this case, **failure to comply with this Order and timely file an amended pleading may result in dismissal of this action with prejudice for failure to prosecute.**

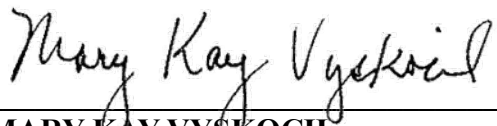
IT IS FURTHER ORDERED that Defendant shall respond to the amended pleading within 14 days of its filing. If Defendant responds with a motion to dismiss, Plaintiff's opposition is due December 8, 2023. Any reply is due December 15, 2023.

Defendant is directed to serve a copy of this Order on Plaintiff and to file proof of such service on ECF by October 13, 2023.

The Clerk of Court respectfully is requested to terminate the motion pending at ECF 81.

SO ORDERED.

Date: October 6, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge